

Appendix 12

Minority and Women Business Enterprises (M/WBE) Contract Participation Goals

Introduction

State contracts are required by law to meet statewide participation goals of not less than 15 percent minority business enterprises and five percent women business enterprises. The SAB has implemented regulations to institute these requirements.

Lease-Purchase Projects Subject to M/WBE Contract Participation Goals

All State School Building Lease-Purchase projects funded *in whole or in part* by the November 1990 Bond or any future bond must comply with the minority and women business enterprises (M/WBE) contract participation goals. Subject projects also include:

- 50/50 program
- cost sharing
- projects receiving interim financing
- district-funded projects where State reimbursement will be pursued

Contracts Subject to M/WBE Contract Participation Goals

All contracts in a State School Building Lease-Purchase project are subject to M/WBE contract participation goals. Subject contracts contained in an application include but are not limited to:

- surveys
- appraisals
- tests
- architectural services
- consultant services
- construction
- inspection
- furniture and equipment

Contracts *Not* Subject to M/WBE Contract Participation Goals

Contracts that meet any of the following criteria need *not* comply with M/WBE contract participation goals provisions:

- Estimated cost of \$10,000.00 or less.
- The “request for proposal”, “invitation for bid”, or “request for quotation/solicitation” is dated prior to March 8, 1991 (regardless of the date of the “Authorization to Advertise for Bids”).
- Awarded prior to March 8, 1991.

Continued on the next page

Compliance with M/WBE Contract Participation Goals

A bidder is deemed responsive if at least one of the following M/WBE contract participation goals is met:

- The bidder is a minority business enterprise and committed to performing not less than 15 percent of the dollar amount of the contract with his/her own forces and committed to using women enterprises for not less than five percent of the dollar amount of the contract.
- The bidder is a women business enterprise and committed to performing not less than five percent of the dollar amount of the contract with his or her own forces and committed to using minority business enterprises for not less than 15 percent of the dollar amount of the contract.
- The bidder is committed to using minority business enterprises for not less than 15 percent of the dollar amount of the contract and committed to using women enterprises for not less than five percent of the dollar amount of the contract.
- If the bidder cannot meet any of the criteria identified above, compliance can be made by a 'good faith effort' wherein the bidder demonstrates an effort to identify, solicit and potentially utilize M/WBE subcontractors or suppliers.

District Responsibilities

Prior to the award of any contract subject to M/WBE contract participation goals the district must:

- Insure the "invitation to bid" or "request for proposal" is submitted to potential M/WBE by utilizing local, State, and Federal lists of M/WBE and by advertising in trade papers and publications devoted to M/WBE contracting.
- Include the following in all bid proposals, solicitations, quotations, etc.:

- 📎 *Form SAB 515PB, Certification of M/WBE Participation*
- 📎 *Form SAB 515SC, Subcontractor Certification of M/WBE*
- 📎 *Form SAB 515GFE, Good Faith Effort Work Sheet*
- 📎 *Contract audit provisions in SAB Regulation 1865.19*

Continued on the next page

M/WBE Contract Review

The M/WBE documents must be reviewed by the following agencies for compliance with M/WBE contract participation goals:

CONTRACT TYPE	CONTRACT AMOUNT (\$)	REVIEWING AGENCY
Non-Construction	Greater than \$10,000.00 but less than \$50,000.00	School District
Non-Construction	\$50,000.00 or greater	Office of Local Assistance
Construction	Greater than \$10,000.00	Office of Local Assistance

District Review

Districts are authorized to determine compliance with the M/WBE contract participation goals for non-construction contracts under \$50,000.00. The district is required to report the contract amount and M/WBE participation on *Form SAB 515SF, Minority and Women Business Enterprises Contract Participation Goals Monthly Report*. This report must be submitted to the OLA on a monthly basis.

If the district does not have non-construction contracts under \$50,000.00 to report, the *Form SAB 515SF, Minority and Women Business Enterprises Contract Participation Goals Monthly Report*, must be submitted and noted "no activity".

Continued on the next page

**Office of Local Assistance
Non-Construction Contract
Review**

All *non-construction* contracts in the amount of \$50,000.00 or more which are either competitively bid or non-competitively bid must be reviewed by the OLA accordingly:

CIRCUMSTANCE	ACTION
Bidder <i>does meet</i> M/WBE requirements	The OLA issues the <i>Form SAB 513C, Authorization to Proceed</i> .
Bidder <i>does not meet</i> M/WBE requirements	<p>Bidder is rejected by the OLA. The OLA conducts a review of the next proposed awardee(s) until an approvable bidder is identified.</p> <p>Once an acceptable bidder is identified, a <i>Form SAB 513C, Authorization to Proceed</i>, will be issued.</p> <p>If all bidders are rejected, the contract must be rebid.</p>

Note: All acceptable bids must be within the project's established cost allowance.

**Office of Local Assistance
Construction Contract
Review**

All construction contracts which are either competitively bid or non-competitively bid must be reviewed by the OLA accordingly:

CIRCUMSTANCE	ACTION
Bidder <i>does meet</i> M/WBE requirements	OLA approves the bid and issues an approval via the <i>Form SAB 513A, Notice of Approval of Low Bid</i> .
Bidder <i>does not meet</i> M/WBE requirements	<p>Bid is rejected by the OLA. The OLA conducts a review of the next proposed awardee(s) until an approvable bidder is identified.</p> <p>Once an acceptable bidder is identified, a <i>Form SAB 513A, Notice of Approval of Low Bid</i>, will be issued.</p> <p>If all bidders are rejected, the contract must be rebid.</p>